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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,675	03/19/2004	Glen William Wallis	013344-9045-00	8563

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EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,675

Applicant(s)

WALLIS, GLEN WILLIAM

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/19/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to applicant's preliminary amendment filed on March 19, 2004.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of the word "means". Correction is required. See MPEP § 608.01(b).

Claim Objections

4. **Claims 1 and 8 are objected** to because of the following informalities:

- Claim 1 Line 3, change "second window member" to -second window component-.
- Claim 1 Line 3, change "first window member" to -first window component-.
- Claim 8 Line 3, change "second window member" to -second window component-.
- Claim 8 Line 4, change "first window member" to -first window component-.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-3,6, and 9 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 1,280,993 to Hammer.

Regarding claim 1, Hammer discloses a catch comprising a striker member (22) for attachment to a first component and a catch member (8) arranged for attachment to a second component that is movable with respect to the first window member.

The catch comprising at least one bolt member (12) that can be shot into locking engagement with the striker member by means of a rotatable lever (18).

As to claim 2, Hammer discloses that there is at least two shoot bolts (12), projecting from a shoot bolt carrier (14). Rotation of the lever bringing about rotation of a cam (16) that acts on the shoot bolt carrier (14).

As to claims 3 and 9, Hammer discloses that each bolt (12) is arranged to project into a socket or aperture (20) on the striker member to bring about locking.

As to claim 6, Hammer discloses that the lever is manually rotatable.

7. **Claims 1-3,6,8,9,15,16, and 19 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 1,349,046 to Chaffee (Chaffee '046).

Regarding claim 1, Chaffee '046 discloses a catch comprising a striker member (9) for attachment to a first component and a catch member (1) arranged for attachment to a second component that is movable with respect to the first window member.

The catch comprising at least one bolt member (6) that can be shot into locking engagement with the striker member by means of a rotatable lever (14).

As to claims 2 and 15, Chaffee '046 discloses that there is at least two shoot bolts (6), projecting from a shoot bolt carrier (10,19 and 21). Rotation of the lever bringing about rotation of a cam (20) that acts on the shoot bolt carrier.

As to claims 3,9 and 16, Chaffee '046 discloses that each bolt (6) is arranged to project into a socket or aperture on the striker member (9) to bring about locking.

As to claims 6 and 19, Chaffee '046 discloses that the lever is manually rotatable.

As to claim 8, Chaffee '046 discloses the combination of the catch with a window having first and second window components.

8. **Claims 1-4,6, and 9-11 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 1,654,221 to Kline.

Regarding claim 1, Kline discloses a catch comprising a striker member (33) for attachment to a first component and a catch member (5) arranged for attachment to a second component that is movable with respect to the first window member.

The catch comprising at least one bolt member (10 and 11) that can be shot into locking engagement with the striker member by means of a rotatable lever (32).

As to claim 2, Kline discloses that there is at least two shoot bolts (10 and 11), projecting from a shoot bolt carrier (19). Rotation of the lever bringing about rotation of a cam (28) that acts on the shoot bolt carrier (19).

As to claims 3 and 9, Kline discloses that each bolt (10 and 11) is arranged to project into a socket or aperture (34 and 35) on the striker member to bring about locking.

As to claims 4, 10 and 11, Kline discloses that each bolt (10 and 11) is sprung loaded (by means of 26), and has a tapered nose, so that when one of the components is moved into a closed position with relation to the other component, the shoot bolts snap into position in the striker member.

As to claim 6, Kline discloses that the lever is manually rotatable.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 8,15,16,17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 1,654,221 to Kline in view of US Pat No 1,349,046 to Chaffee (Chaffee '046).

Regarding claim 8, Kline discloses a catch comprising a striker member (33) for attachment to a first component and a catch member (5) arranged for attachment to a second component that is movable with respect to the first window member.

The catch comprising at least one bolt member (10 and 11) that can be shot into locking engagement with the striker member by means of a rotatable lever (32).

However, Kline fails to disclose that the catch is used in combination with a window. Kline discloses that the catch is used in combination with a door.

Chaffee '046 teaches that it is well known in the art of latches to have a similar catch mechanism where is used in combination with a window having first and second window components.

It would have been obvious to one having ordinary skill in the art of latches to provide the catch assembly described by Kline in a window structure that has first and second window components, as taught by Chaffee '046, since the recitation with respect to the manner in which an apparatus is intended to be employed does not impose any structural limitation upon the claimed apparatus, which differentiates it from a prior art reference disclosing the structural limitations of the claim.

As to claim 15, Kline discloses that there is at least two shoot bolts (10 and 11), projecting from a shoot bolt carrier (19). Rotation of the lever bringing about rotation of a cam (28) that acts on the shoot bolt carrier (19).

As to claim 16, Kline discloses that each bolt (10 and 11) is arranged to project into a socket or aperture (34 and 35) on the striker member to bring about locking.

As to claim 17, Kline discloses that each bolt (10 and 11) is sprung loaded (by means of 26), and has a tapered nose, so that when one of the components is moved into a closed position with relation to the other component, the shoot bolts snap into position in the striker member.

As to claim 19, Kline discloses that the lever is manually rotatable.

11. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 1,280,993 to Hammer as applied to claims 2 and 9 above, and further in view of US Pat No 4,332,407 to Waldo et al (Waldo).

Hammer fails to disclose that the lever is connected to the cam via the barrel of a cylinder lock so that when the lever is in the locking position, the lever can be locked in position by means of a key.

Waldo teaches that it is well known in the art of latches to have a catch assembly, wherein the lever (130') that moves the bolt member (36) is connected to a cam (45) via the barrel of a cylinder lock so that when the lever is in the locking position, the lever can be locked in position by means of a key (Col. 5 Line 60 to Col. 6 Line 4).

It would have been obvious to one having ordinary skill in the art of latches at the time the invention was made to provide the lever of the catch assembly described by Hammer with a lock cylinder to move the cam and further the bolt members, as taught by Waldo, in order to maintain the bolts in a locked position.

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12. Claims 5 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 1,654,221 to Kline as applied to claims 2,4,9, and 11 above, and further in view of US Pat No 4,332,407 to Waldo et al (Waldo).

Kline fails to disclose that the lever is connected to the cam via the barrel of a cylinder lock so that when the lever is in the locking position, the lever can be locked in position by means of a key.

Waldo teaches that it is well known in the art of latches to have a catch assembly, wherein the lever (130') that moves the bolt member (36) is connected to a cam (45) via the barrel of a cylinder lock so that when the lever is in the locking position, the lever can be locked in position by means of a key (Col. 5 Line 60 to Col. 6 Line 4).

It would have been obvious to one having ordinary skill in the art of latches at the time the invention was made to provide the lever of the catch assembly described by Kline with a lock cylinder to move the cam and further the bolt members, as taught by Waldo, in order to maintain the bolts in a locked position.

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 1,654,221 to Kline in view of US Pat No 1,349,046 to Chaffee (Chaffee '046) as applied to claim 8 above, and further in view of US Pat No 4,332,407 to Waldo et al (Waldo).

Kline, as modified by Chaffee '046, fails to disclose that the lever is connected to the cam via the barrel of a cylinder lock so that when the lever is in the locking position, the lever can be locked in position by means of a key.

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Waldo teaches that it is well known in the art of latches to have a catch assembly, wherein the lever (130') that moves the bolt member (36) is connected to a cam (45) via the barrel of a cylinder lock so that when the lever is in the locking position, the lever can be locked in position by means of a key (Col. 5 Line 60 to Col. 6 Line 4).

It would have been obvious to one having ordinary skill in the art of latches at the time the invention was made to provide the lever of the catch assembly described by Kline, as modified by Chaffee, with a lock cylinder to move the cam and further the bolt members, as taught by Waldo, in order to maintain the bolts in a locked position.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7049.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3676

Sept. 28, 2005


BRIAN E. GLESSNER
PRIMARY EXAMINER